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3 **State of Washington**
4 **GROWTH MANAGEMENT HEARINGS BOARD**
5 **FOR EASTERN WASHINGTON**
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7 LARSON BEACH NEIGHBORS and JEANIE
8 WAGENMAN; LOON LAKE PROPERTY
9 OWNERS ASSOCIATION, et al,

10 Petitioners,

11 v.

12 STEVENS COUNTY,

13 Respondent,

14 DEPARTMENT OF ECOLOGY

15 Intervenor.
16

Case No. 00-1-0016,
Case No. 03-1-0003 and
Case No. 03-1-0006

ORDER CONSOLIDATING CASES
NO. 00-1-0016, 03-1-0003,
03-1-0006
NEW CASE NO. 03-1-0006c

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18 **I. BACKGROUND**

19 On July 11, 2000, LARLSON BEACH NEIGHBORS and JEANIE WAGEMAN, by and
20 through its representative, Jeanie Wagenman, filed a Petition for Review, filed under Case
21 No. 00-1-0016.

22 On May 16, 2003, LARSON BEACH NEIGHBORS and JEANIE WAGENMAN, by and
23 through its representative, Jeanie Wagenman, filed a Petition for Review, filed under Case
24 No. 03-1-0003.
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1 On November 10, 2003, LOON LAKE PROPERTY OWNERS ASSOCIATION et al,
2 through their attorney, Bruce H. Erickson, filed a petition for review, filed under Case No.
3 03-1-0006.

4 On January 02, 2004 the Petitioners in Case No. 03-1-0006 moved this Board to
5 consolidate Case No. 00-1-0016 with Case No. 03-1-0006.

6 On January 27, 2004 a Motion Hearing was held to consider the above motion for
7 Consolidation. Present at the hearing were the Petitioners of the three cases or their
8 representatives. Present for the Respondent Stevens County was Lloyd Nickel. Present also
9 was Peter G. Scott of Preston Gates & Ellis. Peter G. Scott is expected in the future to
represent the County in the three above cases.

10 At the Motion Hearing, the Hearings Board, on its own motion, considered the
11 additional consolidation of Case No. 03-1-0003 with Cases No. 00-1-0016 and No. 03-1-
12 0006.

13 II. DISCUSSION

14 RCW 36.70A.290(5) directs the board to consolidate, when appropriate, all petitions
15 involving the review of the same comprehensive plan or the same development regulation
16 or regulations. Here, all three petitions deal with the Critical Area Ordinances developed by
17 Stevens County; the Record is the same or very similar; the Respondent is the same; and
18 the Petitioners are the same or have raised the same issues. Having three separate cases
19 dealing with the same issues make it very difficult for the board, the County and the
20 Petitioners to properly resolve those issues without consolidation. The consolidation of
21 these three cases will bring together all the County's efforts to develop a Critical Area
22 Ordinance into the same case, to the same table. It is very confusing to have two CAOs,
one Comprehensive Plan and three cases.

23 The Board having considered the arguments of the parties finds it is appropriate to
24 consolidate the three petitions involving the review of the CAOs developed by the County
25 pursuant to the GMA. Because of this consolidation, the Final Order and Decision in Case
26 No. 3-1-0003 will be issued and filed February 10, 2004.

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III. ORDER

It is ORDERED that Cases No. No. 00-1-0016, 03-1-0003, and No. 03-1-0006 be and they are hereby consolidated together under Case No. 03-1-0006c.

It is Further Ordered the Final Decision and Order in Case No. 03-1-0003 will be issued and filed February 10, 2004.

Pursuant to RCW 36.70A.300(5), this is a Final Order for purposes of appeal. Pursuant to WAC 242-02-832, a motion for reconsideration may be filed within ten days of service of this Order on Consolidation.

SO ORDERED this 2nd day of February 2004.

EASTERN WASHINGTON GROWTH MANAGEMENT
HEARINGS BOARD

D.E. "Skip" Chilberg, Board Member

Judy Wall, Board Member

Dennis Dellwo, Board Member